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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,181	07/30/2001	Alan Tsu-I Yaung	STL920000093US1	2692
47069	7590	12/14/2005	EXAMINER	
KONRAD RAYNES & VICTOR, LLP			NAWAZ, ASAD M	
ATTN: IBM54			ART UNIT	
315 SOUTH BEVERLY DRIVE, SUITE 210			PAPER NUMBER	
BEVERLY HILLS, CA 90212			2155	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/918,181	Applicant(s) YAUNG, ALAN TSU-I	
	Examiner Asad M. Nawaz	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Request for Continued Examination received on 9/21/05. Claims 1-42 were amended. No claims have been canceled and no new claims have been added. Accordingly, claims 1-42 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-5, 15-19, and 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Gabbita et al, 6,937,993 (Gabbita hereafter).** As per claims 1, 15, and 29, Gabbita teaches a method, a system, and an article of manufacture including code for assigning a work item for one of a plurality of nodes in a workflow to at least one of a plurality of users capable of performing workflow related operations at the nodes (abstract), comprising: a storage device (102, fig. 1 B); a database in the storage device to store plurality of workflows, work items, nodes, etc., that associate with the processing and tracking of orders (col. 4, lines 56-59; database (104, fig. 1 b) stores all the workflow data as well the tracking of orders); processing a node in a current

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workflow, wherein a current work item is associated with the processed node (col. 2, lines 32-33; each work item (or task) in a workflow is assigned a resource (or processing node) to work on the item); processing an access list indicating users capable of being assigned the current work item (col. 10, lines 26-29; LSAT assigns tasks to a resource depends on the resource's workload and availability); determining from the access list at least one user capable of being assigned the current work item (col 10, lines 10-19; resources can be groups or individual users and the resources are stored in hierarchy tables in a database); for each determined user, determining a number of work items other than the current work item assigned to the user (col. 10, lines 20-29; see above Response to Arguments section); selecting at least one determined user based on the determined number of work items assigned to the determined users; and assigning the current work item to the at least one determined user (col. 10, lines 20-29; LSAT determines, selects, and assigns work assignments or tasks to a resource (or user) based on the user's current workload and availability).

As per claims 2-3, Gabbita teaches the determined active work items are assigned to each user from a plurality of workflows and active work items are not current work items (col. 10, line 66 - col. 11, line 9; col. 11 lines 16-17; col. 13, lines 79; see Response to Arguments section for more details).

As per claims 4-5, Gabbita teaches the determined users comprise users on an access list associated with the current workflow; determining work items for which the user has exclusive access (col. 6, lines 52-57; users from different business areas that have exclusive access to work on tasks); and determining work items that are not

owned by another user and that are associated with an access list that includes the user (col. 10, lines 27-29; system determines and assigns work item to appropriate resource based on user's workload and availability).

Claims 16-17 and 30-31 are variations of claims 2-3 with no further limitation.

They are, therefore, rejected for similar reasons as claims 2-3 addressed above.

Claims 18-19 and 32-33 are variations of claims 4-5 with no further limitation.

They are, therefore, rejected for similar reasons as claims 4-5 addressed above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-14, 20-28, and 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabbita.

As per claims 6-7, 10, Gabbita teaches a user (or user1) in an originating department creating a service order (204, fig. 2) that includes a priority (e.g., customer committed due date) assigned to the work item in the order (col. 9, line 35). The system then determines the priority related to the work item entered by user1 (col. 9, lines 39-42). Gabbita further teaches the system identifies all the work items (tasks) and the time required to complete the tasks (col. 9, lines 47-50). When the service order includes tasks that have high priorities as defined by user1, the system assigns it a processing

priority (col. 10, lines 16-17) in the workflow and appoints an appropriate user (or user2) based on the user's workload and availability to work on the service order (col. 10, lines 27-29). Gabbita does not explicitly disclose creating an index value for each user based on task priority and using the index to select the user to assign the new work item.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to introduce a modified variation of Gabbita teachings for determining and assigning available resource (user2) to work on tasks based on the user's workload and the priorities of the tasks in order to expedite and complete the service order on time as promised to the customer as disclosed by Gabbita in [col. 10, lines 4-7.]

As per claims 8-9, Gibbta teaches receiving a user defined priority, wherein the priority is the priority related to the work item and user defined priority is for the workflow including the work item assigned to the user (col. 9, lines 30-38; the user requested priority (indicated by customer requested delivery date 'CRDD') allows the system to set and define the priority of the work items in the workflow; the system uses the priority data to schedule for the completion of tasks and assigns the work to the resources accordingly).

Claims 11-14 are rejected for similar reasons as claims 6-7 addressed above.

Claims 20-21, 24, 34-35 and 38 are variations of claims 6-7 and 10 with no further limitation. They are, therefore, rejected for similar reasons as claims 6-7 and 10 addressed above.

Claims 22-23 and 36-37 recite similar limitations as claims 8-9; therefore, rejected for similar reasons as claims 8-9 addressed above.


Claims 25-28 and 39-42 are variations of claims 8-14 with no further limitation. They are, therefore, rejected for similar reasons as claims 8-14 addressed above.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AMN


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER